

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW

222 DELAWARE AVENUE

P. O. BOX 1150

WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888

FACSIMILE
302-654-2067

March 16, 2005

The Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, Delaware 19801

VIA ELECTRONIC FILING

Re: *Cordis Corporation v. Medtronic Vascular, Inc., et al.*, C.A. No. 97-550-SLR

Medtronic Ave., Inc. v. Cordis Corporation, et al., C.A. No. 97-700-SLR

Boston Scientific Corporation v. Ethicon, Inc., et al., C.A. No. 98-19-SLR

Dear Chief Judge Robinson:

On behalf of Cordis Corporation, and after consultation with Ms. Tassone, I am writing to request permission to retrieve a single physical exhibit from the March 4, 2005 trial against AVE that just ended this week, for use during the Boston Scientific trial that begins tomorrow.

As Your Honor may recall, I wrote to the Court on March 2, 2004 (D.I. 1340) requesting the release of a number of physical exhibits from the original trials in 2000, for possible use during these retrials, and Your Honor granted that request. One of those released physical exhibits – a stent admitted as PX 2940 in the November 6, 2000 AVE liability trial – also was admitted in last week's AVE retrial, and we similarly would like to use it during tomorrow's BSC retrial. By copy of this letter in each of the affected cases, and by the docket entries memorializing the exhibit's release that I believe Ms. Tassone intends to prepare if Your Honor grants this request, the record in each case should be clear as to precisely where this exhibit can be found in the event it is needed. Cordis therefore respectfully requests that PX 2940 from the March 4, 2005 AVE retrial be released to my custody at the Court's earliest convenience.

We will be available at the Court's convenience in the event that Your Honor has questions or wishes to discuss this matter further.

Respectfully,

/s/ Steven J. Balick

Steven J. Balick

The Honorable Sue L. Robinson
March 16, 2005
Page 2

SJB/dmf
154658.1

cc: Karen Jacobs Louden, Esquire (by electronic mail)
Raphael V. Lupo, Esquire (by electronic mail)
Josy W. Ingersoll, Esquire (by electronic mail)
George E. Badenoch, Esquire (by electronic mail)
Gregory L. Diskant, Esquire (by electronic mail)